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IMPAIRED DRIVING

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On peut également se procurer cette brochure
en français.

This booklet is one of a series dealing with different types of crimes and their impact upon the victims, the offender and the public at large. While the booklets may be of general interest, they are designed primarily as a resource to be used by parents, teachers, youth workers, police and others who work with young people.

Additional copies of the booklet can be obtained from the Ontario Government Book Store, 880 Bay Street, Toronto, Ontario M7A 1N8.



Provincial
Secretariat
for Justice

The Honourable Gord Walker, Q.C.,
Provincial Secretary for Justice

The story and characters described in 'The Incident' portion of this booklet are fictitious. Any resemblance to persons living or dead is purely coincidental.

THE INCIDENT



Ted was feeling great!

This was his first time to take the family car to a party.

It had been pretty exciting last year when he'd just got his driver's licence, and the first few times his parents had trusted him to use the car to run an errand for them. But that soon got to be a drag — especially when they kept tab on the time and on his mileage to make sure he didn't detour along the way to see his friends.

This was really different tonight. He was on his own!

His stock would go up with the gang now that he had wheels. Maybe even Marcie would look at him as if he were somebody.

Ted checked himself over in the mirror, and patted his pocket to make sure his wallet was there — with his driver's licence, his passport to a whole new world. Yeah, he'd impress them tonight alright; he had status now.

After all, that's what it was all about, wasn't it? Status, learning the fine points — how to impress people, the right clothes, how to be cool. Now he'd fit in.

Ted smiled back at himself in the mirror, and felt ready to take on the world.

Sometimes you feel like a crumb; all worried that you won't make it. Like that first year in high school — you didn't know the language, the signals, the style. It all took so much time, and Ted was impatient. Impatient for life.

"No, I won't be too late," he prom-

ised his parents. "Just going to a party over at Joyce Adamson's."

* * *

It was getting late. Ted tried to focus on the clock on the Adamson's rec room wall. Almost midnight, or was it one?

The buzz around him only made him feel isolated, shut out. The party was O.K., but Ted was hot and tired and getting bored. Marcie was talking to some older guys: she didn't even know he was alive.



Trying to make his mind work was hard. He'd danced for a while and felt part of it then, but not now. Must have been the drinks — three, or was it four? More than he'd ever drunk at one time before.

It was the older guys who'd brought it; and everybody was expected to chip in. So Ted made sure he got his money's worth. No point in being a sucker. Anyway he was thirsty, and the drinks tasted good. He'd gotten his fair share alright.

Ted decided to go out for some fresh air. Too smokey inside. But when he stood up his legs felt strange. He stumbled against a coffee table, nearly tripped over Debbie and somebody or other necking on the stairway. He was a little under the weather. Fresh air would fix him up.

He made it out the back door and sat down on the step to think things over. He felt a bit guilty when he thought about his Dad's warning against drinking and driving. In fact, against drinking at all while he was still only 17. Shouldn't have done it. He'd have to be careful driving home — take plenty of time, go by the back streets, stay away from the traffic. Have to sneak in, too, when he got there. Mustn't wake the folks and have them smell his breath.

* * *

"Hey Ted!"

Somebody was looking for him — his best friend, Dave.

"Hey, you going to drive us home?"

"Yeah, sure." How could he refuse?

It was the chance he'd been waiting for to impress them. He'd get there alright, drinks or no drinks. Besides he hadn't had that much, and it had been quite a while ago. He felt wider awake now, out in the cool night air. No sweat.

"Sure, I'll drive. Pile in."

Eight of them took him at his word. Steve and his girl Tracy, Alex and Janis, Fred and Pete and Marcie and Ann. Counting Ted and Dave that made quite a carload. They knew he'd had a couple of drinks, and they weren't worried. They knew he could handle it.

Ted felt confident as he slid behind the wheel, turned the key and roared the engine into life. He'd show them.

It was easy, floating along in the big car with its power steering and eight cylinder, deluxe ride. A piece of cake.

Everybody was laughing and making cracks and giggling . . . Ted could feel Marcie sitting close beside him. This was the life!



Then it happened — so fast Ted could only sense one heart-stopping instant of terror. The lights of another car were coming at them from a cross street — very fast. He'd gone through a stop sign. It was too late to stop.

"Oh my God!"

The squeal of rubber on pavement, one awful suspended interval of silence, and then the crash and the jolt, hammering them, stunning them. A girl started to cry. It was Marcie.

"Jeez, you trying to kill us?" A boy's voice trying to cover fright with anger.

"Man, that was a stupid thing to do, Ted."

"You're bleeding; your nose must have hit the steering wheel." Dave reached over and handed him a piece of Kleenex. "Turn off the ignition before we have more trouble."

Good old Dave. Right there when you needed him.

"Anybody else hurt?" Ted managed to ask through the tissue as he mopped his face.

"We'll live, no thanks to you." This from Marcie in the front seat beside him. She sounded pretty upset.

To hell with Marcie; what about his father's car? And what about his father's temper? He'd have to 'phone home and wake them up in the middle of the night and tell them he'd had an accident. Oh God!

"Who's in the other car? Maybe somebody's hurt over there." It was Dave again with the presence of mind.

"You'd better call the police, Ted."

Police? That too! Going through the stop street, drinking under age, drinking and driving. What was going to happen? Police, court, fine, jail . . . He didn't know. For sure he'd lose his driving licence.



Ted felt more scared and sick than he could remember ever having felt before.

There was a flashing red light in the distance, coming closer. Somebody had already called the police. They'd be there any minute . . .



Why?

Ted knew that it was against the law to drink alcoholic beverages at his age — why did he do it?

He knew that it was against the law to drive a car while under the influence of an intoxicating substance — why did he drink and then drive?

His parents had talked with him about the danger of having too many kids in the car, about the noise and distraction and how this affects one's driving — yet he had piled ten in, almost twice the car's capacity.

His father had talked about the way some young people show off when they get behind the wheel of a car. Had he been showing off — maybe just a little?

Why does somebody who knows the score let himself get into this kind of jackpot?

Obviously something must be at work that is stronger than rational thought. Knowing the facts isn't enough; people have to know themselves too — what motivates them, what promises of reward, what threats of punishment? Complex forces influence their judgement and their behaviour, regardless of how old they may be.

Take Ted's case, for example. He wanted to be accepted by his friends as a person with status — old enough to drive a car, old enough to drink, someone who could handle both these adult activities. His gang saw these things as symbols of adulthood. Ted wanted to be a man in their eyes. This was more real and immediate to him than any law on the statute books. It was more important than what his parents thought of him just then — even though he had always enjoyed a fairly good relationship at home with his family.

Under the circumstances at the party, after three or four drinks, Ted made his choice. He decided to take the risk — and he lost.

A Poor Risk

Ted better stay away from race tracks and poker games — he's not a very smart gambler. Loading up with three or four drinks and then getting behind the steering wheel is a good way of stacking the cards against one's self. Especially if you're relatively inexperienced at both drinking and driving, the way Ted was.

It takes a long time to become an expert driver. There's a lot more to it than starting the engine, tramping on the accelerator, steering, and hitting the brakes. There's judgement and concentration and keen awareness of road conditions and of the actual and potential moves of other drivers. In a word, it takes experience — which cannot be acquired overnight.

And there's a lot more to handling alcoholic drinks than knowing the types and brand names and how to bend the elbow and how to swallow. Again, it takes good judgement and a sensitivity to one's own reactions and to those of other people — both drinkers and non-drinkers. You can't learn to drink overnight either.

Sure, the law in Ontario states that when people are 16 they're old enough to start to learn to drive; and when they turn 19 they're old enough to start to learn to drink. A lot of young people try to get a head start on both these activities — sometimes with unhappy consequences. One thing is for sure: when teenagers reach their sixteenth birthday they're not automatically good drivers, and when they reach 19 they're not automatically smart drinkers. Not even if they start earlier, illegally.

Insurance Costs Boosted

Young drivers as a group have a much higher collision rate than older, more experienced drivers. Before the legal drinking age was lowered in Ontario (and in a number of other jurisdictions across North America) from 21 to 19 years, the proportion of collisions that involved alcohol was lower among young drivers than in older age groups. Following this change in the law, their *proportion* increased; and, because of the greater number of collisions involving young drivers, this represents a much higher *rate* of alcohol-involved collisions. In other words, young drivers generally get into more motor vehicle accidents, and now a great many more of these accidents involve alcohol.

All of which is very costly. Just consider the matter of automobile insurance premiums: the premium charged by one insurance company for \$500,000 third party liability coverage

in the Toronto area is \$561 a year for a new driver. If this driver gets into an accident involving the use of alcohol the premium for the same insurance coverage (after he gets the automatically suspended licence back) will be \$1,122 per year. Generally, conviction on a driving offence involving the driver's use of alcohol brings an automatic increase of 100 per cent in the cost of insurance.

Other Costs Are Heavy Too

In addition to the cost of insurance, which can be almost prohibitive for the young driver, there are a great many other costs when a person is charged with an offence involving the mixing of drinking and driving. There is the time involved in court appearances (resulting in loss of pay, if not loss of job when one is employed), fees and costs of a lawyer, and — if he is found guilty — the payment of a substantial fine and/or imprisonment. Disruption of one's personal life is considerable, and there is a great deal of anxiety and embarrassment for all concerned. In Ted's case, in the incident related earlier, what will happen to his precious status and to his relationship with friends and family? What about his future job possibilities?

Criminal Offences

Under the Criminal Code of Canada there are four offences relating directly to intoxication and driving:

- (1) Driving while ability to drive is impaired by alcohol or a drug or having the care and control of a motor vehicle whether in motion or not.
- (2) Driving or having the care or control of a motor vehicle whether it is in motion or not, having consumed alcohol in such a quantity that the proportion thereof in the blood exceeds 80 milligrams of alcohol in 100 millilitres of blood.
- (3) Refusing to take a breathalyzer test.
- (4) Refusing to take a roadside

breathalyzer test.

The penalty for a first conviction for any of these offences if the Crown proceeds by way of summary conviction is a fine of not more than \$2,000 and not less than \$50, or imprisonment for up to six months, or both. For a second offence, the jail term is not more than one year and not less than 14 days. For each subsequent offence imprisonment is for not more than two years and not less than three months.

A person under the influence of alcohol doesn't have to be actually driving a car to be found guilty — the law says "deemed to have had the care or control of the vehicle". For example, a person entering a car with the intent of driving may be charged if the ability to drive is impaired by alcohol or a drug.

If the conditions surrounding any of the above offences are of a sufficiently serious nature, the Crown may elect to try the accused person by way of indictment instead of by summary conviction.

In addition to the above, there are four other offences under the Criminal Code of Canada related to driving in which drinking may be a major factor — manslaughter, criminal negligence, dangerous driving, and failure to remain at the scene of an accident.

"Penalties for these offences can range up to life imprisonment and can include an order by a judge prohibiting a person from driving. Upon conviction for manslaughter or causing death by criminal negligence, a person can be prohibited from driving for the rest of his life".

Conviction on any of the other charges under the Criminal Code of Canada means a criminal record registered against the person involved — and this can be a factor that weighs heavily in job applications, bonding, and other situations affecting one's future opportunities.



Automatic Suspension of Licence

Apart from fines, imprisonment, and driving prohibition which may be imposed by a judge under the Criminal Code of Canada for the above offences, a conviction on any of these charges will result in automatic suspension of the individual's driving licence under provisions of The Ontario Highway Traffic Act. This is for a period of three months upon the first conviction. For subsequent convictions,

the suspension is automatically for six months.

In cases related directly to intoxication and driving the court or judge, as the case may be, if it is considered desirable for the protection of the public using the highways, may make an order extending the suspension of a driver's licence for a period of up to three years in addition to the mandatory suspension.



How Much Is Too Much?

Most people over-estimate their capacity when it comes to drinking, just the way Ted did in our story. Or they forget how much they've consumed how quickly. Alcohol is a drug that affects judgement — judgement of how much can be drunk without seeming to change the way we behave, the way we talk, and how we react to other people and to situations, as well as the way we drive a car. It is a powerful drug by itself, and much more powerful if it is drunk after a person has taken certain other drugs, such as some common remedies to relieve a cold or hayfever, or when one is on tranquilizer or anti-depressant medication.

Furthermore, alcohol can affect an individual much more strongly when he is overtired, or hungry, or emotionally upset. So there is no simple way of saying that one or two drinks will have precisely this or that effect every time — even in the same person. And effects of a stated amount of alcohol may vary widely between men and women of different sizes, drinking experience, and personality. Despite all these factors, however, it is possible to arrive at a *rate*

and *quantity* of drinking by an *average* person of 150 pounds which will keep their blood alcohol level under the legal limit of .08%. This is based on the fact that such a person's system can metabolize or break down in about one hour the alcohol contained in one *average* drink (i.e. one 12-ounce bottle of Canadian beer, one 1½-ounce shot of Canadian whisky, or one five-ounce glass of unfortified Canadian table wine).

In other words, if an *average person* of 150 pounds takes two *average drinks* an hour for two hours, they will have exceeded by two drinks the rate at which their body can handle alcohol, and their blood alcohol level will be at or will exceed the .08% level. (In our story, Ted, who probably weighs appreciably less than 150 pounds, had three or four drinks over two or three hours; so he was probably close to the .08% level when the accident happened.)

To set the record straight, it should be noted that there is experimental evidence to indicate that impairment may exist to an appreciable degree at less than the .08% blood alcohol level. Further, most commercial airlines play it safe in their regulations by prohibiting their

pilots from flying for 24 hours after drinking.

By the way, drinking coffee, or walking around the block in the fresh air, or having a cold shower will not increase the rate at which a drinker sobers up. It will merely replace a sleepy drunk with one who is more wide awake and therefore more capable of getting into trouble!

How Alcohol Affects Driving

Scientific studies have shown that alcohol in the bloodstream of drivers has important effects on their ability to see clearly, on the way their brain processes information in making safe judgments, and on their tendency to take risks which they would not take when in a completely sober state.

An investigation by the British Medical Council has shown that drivers' field of vision is reduced by 30 per cent when their blood alcohol reaches .055% — making it much more difficult for them to see potential hazards on either side of the roadway (such as the car approaching on the cross street in Ted's case). Alcohol also reduces straight ahead visual acuity, distorts the focus, reduces night vision, and alters the ability to judge distances.

Alcohol's most dangerous effect on driving, however, is the way it increases the tendency of a normally cautious person to take unreasonable risks. Obviously, increased risk-taking means a higher accident probability. This has nothing to do with the driver's skill, although skill may also be negatively affected by alcohol — especially in the performance of recently learned tasks (again as demonstrated in Ted's case).

Studies show that the risk of persons becoming involved in a collision begins to increase over what is normal for them by the time their blood alcohol level reaches .05% (less than the legal limit of .08%). At .10% people are about seven times more likely to become an accident statistic than when they are sober; and at .15% they are 25 times more likely to have an accident. These figures are averaged across all age groups.

The Traffic Injury Research Foundation of Canada has reported that our youngest drivers (aged 16 and 17 years) are 32 times more likely to be involved in a fatal car crash if they are at or above a blood alcohol level of .095% than is the non-impaired 16 or 17-year old driver.



WHAT CAN BE DONE?



What Can Be Done?

In fairness, it should be acknowledged that impaired driving is by no means confined to young people. In fact, it is more characteristic of the 35 to 55-year age group; but the highest collision rates (without any alcohol) were already found among young drivers before Ontario's legal drinking age was reduced from 21 to 19 years. The problem of unwise, inexperienced driving then had added to it the further problem of unwise, inexperienced drinking — and both at a time of life when young people have their greatest tendency to experiment and to take unnecessary risks.

If adult drinking and driving behaviour were exemplary, there would probably be much less trouble encountered by young people in both these areas; but

unhappily this is not the case. So our society must look for an overall improvement in both drinking and driving behaviour on the part of all who use alcohol and gasoline — hopefully separately, not together. It is not enough to point the finger at the records of those who are under 25 and imply that the fault lies wholly or largely with them.

All of us have to recognize that driving a motor vehicle (and this includes snowmobile, motor boat, and airplane) is a privilege and not an inherent right. It is a privilege that carries with it a substantial responsibility. Nobody has a right to take chances which endanger human lives and other people's property.

Various suggestions have been made to help reduce the hazards for all. These

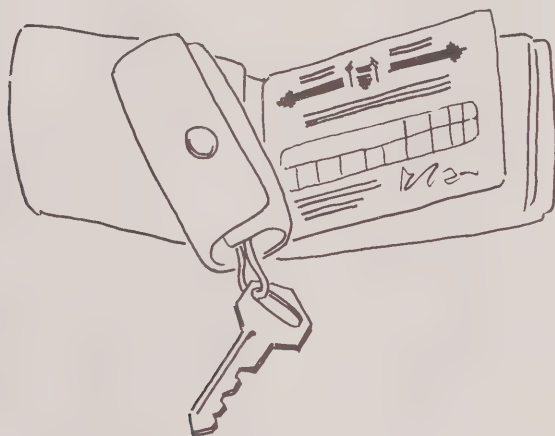
include raising the legal age for drinking, and establishing a fairly lengthy (12 to 18 months) probationary period for newly-licensed drivers of any age. Another proposal is to let the system of points, against which demerits are charged for driving offences, accumulate slowly and not grant a reserve of points immediately upon issuance of the licence. Improved educational measures and more rigorous law enforcement are also prominent among the recommendations.

As was brought out at the beginning of this discussion, a realistic approach to the reduction of impaired driving has to take into account the motivations people have, and the important meanings that many people attach to the acts of driving and drinking. (It was the importance Ted set on driving and on fitting

in with, and impressing, his friends that got him into trouble in our case history.)

As individuals we can take responsibility for our own use of beverage alcohol and of motor vehicles; and we can also refrain from serving alcoholic beverages to those who will have to drive their cars before sufficient time has elapsed to bring their blood alcohol down to a safe level. We can avoid drinking and we can urge others to do likewise. We can refuse to ride with a driver who has been drinking.

Driving a car and enjoying a drink are two of life's pleasures for many people, but they cannot be safely mixed. By our actions and by our words we must do everything we can to impress drivers of all ages with the seriousness of the risks they run by making this grave mistake.



Some questions for discussion.

- 1) What could Ted have done to avoid the accident:
 - asked his friend Dave to drive?
 - admitted he had too many drinks to drive?
 - asked his friends to wait until he was positive he was not impaired?
- 2) How can people be helped to understand that the laws about drinking and driving are for their protection, not to spoil their fun?
- 3) Why do young people — especially teenage boys — take risks?
- 4) Should the legal driving age be changed?
The legal drinking age?
- 5) Was it necessary for Ted to risk damaging his Dad's car and injuring his friends to show that he was "grown-up"? How else might he have achieved this under the circumstances?
- 6) What do you suppose Ted will tell his own teenage children about drinking and driving when that time comes?

Additional Sources of Information:

Printed materials and some films may be obtained from the following sources —

- Addiction Research Foundation,
33 Russell Street,
Toronto, Ontario M5S 2S1.
- Alcohol and Drug Concerns, Inc.,
15 Gervais Drive, Suite 603,
Don Mills, Ontario M3C 1Y8.
- Council on Drug Abuse,
56 Esplanade, Suite 303,
Toronto, Ontario M5E 1A7.
- Your local public library.

Relevant articles are published from time to time in the following periodicals —

The Journal, published monthly by the Addiction Research Foundation (address above).

Addictions, published quarterly by the Addiction Research Foundation (address above).

Booklets in this Series:

Exhibitionism
Impaired Driving
Responsibility
Shoplifting
Vandalism

Copies of these publications are
available, free of charge, from:

**The Ontario Government Bookstore
880 Bay Street
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